

1 THE CHAIRMAN: Delegate Henderson.

2 DELEGATE HENDERSON: Mr. Chairman, fellow  
3 delegates, with some reluctance I rise to oppose the  
4 Committee recommendation, and I do so because I believe  
5 this statement of the separation of legislative, executive  
6 and judicial powers, this declaration in our present  
7 constitution, the one we are about to adopt, creates more  
8 problems than it solves.

9 To give one very quick example, for example, the  
10 rule-making power which is conferred upon the court of  
11 appeals is a legislative power -- there can be no  
12 question about it -- and that is something which has existed  
13 there for the past 25 years and will continue into the  
14 future, shared to some extent with the legislature.

15 Every exercise of rule-making power which is  
16 exercised by the executive agencies -- and almost every  
17 one of them has to some extent or another the rule-  
18 making power -- is a legislative power.

19 One might go on and cite example after example.  
20 One example which struck me with great force was the  
21 fact that under the local government in Montgomery County